

# PLANNING COMMISSION MINUTES

September 12, 2001

## CALL TO ORDER:

Chairman Vlad Voytilla called the meeting to order at 7:00 p.m. in Meeting Room "A" of the Beaverton Public Library at 12375 SW 5<sup>th</sup> Street..

## ROLL CALL:

Present were Chairman Vlad Voytilla, Planning Commissioners Gary Bliss, Eric Johansen and Dan Maks. Planning Commissioners Bob Barnard, Russell Davis and Brian Lynott were excused.

Development Services Manager Steven Sparks, AICP, Principal Planner Hal Bergsma Senior Planner Barbara Fryer, Associate Planner Veronica Smith, Associate Planner Scott Whyte, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting.

## VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

## STAFF COMMUNICATION:

Associate Planner Scott Whyte mentioned that the applicant for APP 2001-0010 – Appeal of Damerow Ford Paint Booth Conditional Use Permit has submitted a formal request for a continuance, dated September 12, 2001, adding that the representative of the appellant has concurred with this request. He mentioned that the applicant's representative has requested to be allowed to address the Planning Commission regarding this request.

TY WYMAN, on behalf of the applicant, explained that it appears that the multiple parties involved in this appeal are motivated to reach a settlement and that he is confident that the final issue would be quickly resolved. He apologized for his failure to completely resolve the matter prior to the meeting, expressing his opinion that a mutual agreement is preferable to the Public Hearing process. Concluding, he noted that David Noren and himself are available to respond to any questions or comments.

1 Observing that no meetings are scheduled for September 19, 2001, and September  
2 26, 2001, due to the lack of agenda items, Mr. Whyte recommended that this  
3 appeal be continued to October 3, 2001. Observing that the various parties would  
4 hopefully be able to reach a settlement by that time, he mentioned that other  
5 agenda items on this date would eliminate the necessity of scheduling a meeting  
6 for just this item..  
7

8 **OLD BUSINESS:**  
9

10 Chairman Voytilla opened the Public Hearing and read the format for Public  
11 Hearings. There were no disqualifications of the Planning Commission members.  
12 No one in the audience challenged the right of any Commissioner to hear any of  
13 the agenda items, to participate in the hearing or requested that the hearing be  
14 postponed to a later date. He asked if there were any ex parte contact, conflict of  
15 interest or disqualifications in any of the hearings on the agenda. There was no  
16 response.  
17

18 **CONTINUANCES:**  
19

20 **A. APP 2001-0010 – APPEAL OF DAMEROW FORD PAINT BOOTH**  
21 **CONDITIONAL USE PERMIT**

22 (Continued from August 29, 2001)

23 This appeal involves the Planning Director's decision to approve, with conditions,  
24 the Conditional Use Permit (CUP) for the Damerow Ford Paint Booth Addition,  
25 Case File No. CUP-2001-0013, allowing expansion of a major auto use in the  
26 General Commercial (GC) zone, which has been appealed to the Planning  
27 Commission for further review.  
28

29 Commissioner Bliss **MOVED** and Commissioner Johansen **SECONDED** a  
30 motion that APP 2001-0010 – Appeal of Damerow Ford Paint Booth Conditional  
31 Use Permit be continued to a date certain of October 3, 2001.  
32

33 Observing that this matter has been continued several times and that both staff  
34 and members of the Planning Commission have been inconvenienced,  
35 Commissioner Maks emphasized that he does not approve of this continuance and  
36 that both staff and the Commissioners are available to hear this item at this time.  
37

38 Motion **CARRIED**, three to one, with Commissioner Maks voting nay.  
39

40 Development Services Manager Steven Sparks stated for the record that the letter  
41 submitted by the applicant provides for a 21-day waiver of the 120-day  
42 requirement corresponding with the time of continuance.  
43

44 On behalf of the applicant, Mr. Wyman concurred.  
45

46 7:11 p.m. – Mr. Sparks and Mr. Whyte left.

1           **WORK SESSION:**

2

3           **A. TREE INVENTORY**

4           Staff and the consultant team will discuss a range of draft program concepts that  
5           could be applied in the four inventory categories (Individual Tree, Grove,  
6           Neighborhood Grove and Corridor), as well as generic concepts for complying  
7           with Goal 5 ESEE analysis requirements.

8

9           Senior Planner Barbara Fryer referred to a Memorandum prepared by Principal  
10          Planner Hal Bergsma, observing that the attached proposal outlines some program  
11          concepts for discussion, adding that this should provide some direction with  
12          regard to the range of potential ideas that could be included. Concluding, she  
13          introduced consultants Greg Winterowd and Tim Brooks of *Winterbrook*  
14          *Planning*.

15

16          **GREG WINTEROWD** of *Winterbrook Planning* emphasized that they would  
17          like to receive direction with regard to the basis for conducting the ESEE analysis  
18          required by Goal 5. He discussed the Goal 5 process, describing their work for  
19          two cities, Portland and Lake Oswego, that have gone through this process in a  
20          systematic way.

21

22          Ms. Fryer pointed out that a major issue prompting homeowners to come in with  
23          regard to individual trees appears to relate to trees becoming too large. Observing  
24          that tree maintenance becomes a burden, she noted that homeowners end up  
25          having to hire maintenance done that they can no longer perform. She suggested  
26          the possibility of establishing funding for maintenance assistance, as well as for  
27          sidewalk repair and/or alternative sidewalk design. She discussed potential  
28          funding for education to teach homeowners the proper care of their trees and  
29          vegetation. She mentioned that although they are not yet digitized, the field maps  
30          of the north half of the City are available for review.

31

32          Commissioner Bliss expressed his opinion that the articles distributed by Ms.  
33          Fryer from *The Oregonian* regarding tree protection ordinances in some  
34          California cities are scary, adding that while he is in favor of trees and  
35          understands the land use process, he does not support infringing upon individual  
36          property rights.

37

38          Chairman Voytilla concurred with Commissioner Bliss' statements, adding that  
39          while he understands the need for the Goal 5 Inventory, he has some concerns,  
40          particularly the fact that tree corridors are often located within public rights-of-  
41          way. He specifically referred to the Allen Boulevard tree corridor, observing that  
42          although everyone had been assured at the time that these trees would never  
43          create a problem, this is no longer the case. He emphasized that he has a difficult  
44          time designating these particular trees as significant or worthy of consideration,  
45          adding that trees planted next to roads inevitably create a conflict at some future  
46          point. He expressed his opinion that due to these circumstances, these particular

1 trees should not even be inventoried, adding that unique and historic trees might  
2 possibly justify an exception. He pointed out that this designation creates  
3 unnecessary issues when it is already known that certain roads would be widened,  
4 necessitating the removal of these trees.

5  
6 Ms. Fryer suggested that the “groves” category should be discussed first.

7  
8 Observing that he had served on the committee concerning the widening of 170<sup>th</sup>  
9 Avenue, Commissioner Bliss stated that there had been an issue with trees on the  
10 property on which the Blanton House is located. Noting that these particular trees  
11 are quite old and had most likely reached their full maturity, he pointed out that  
12 they were located in the proposed right-of-way for the widened road. This was a  
13 major point of contention in the planning process and resulted in an appeal to the  
14 Land Use Board of Appeals (LUBA).

15  
16 Principal Planner Hal Bergsma commented that it would be necessary deal with  
17 the issue of protecting such large trees at some point, either prior to or at the time  
18 of the road project. He mentioned that generally homeowners in the area would  
19 have concerns about the impact of such a project and that the potential removal of  
20 trees would most likely cause them to become upset. The Goal 5 process allows  
21 this issue to be addressed in a rational manner before it is tied to a major  
22 development project.

23  
24 Chairman Voytilla emphasized that he would like to avoid this type of issue,  
25 which is unproductive, adding that he would like to work within the framework of  
26 the Transportation Plan.

27  
28 Mr. Winterowd described and provided details of the Goal 5 process.

29  
30 Chairman Voytilla questioned how many large tracts of land exist within the City  
31 of Beaverton, with respect to the applicability of the Tree Preservation Ordinance.

32  
33 Ms. Fryer advised Chairman Voytilla that although she is not certain, most of  
34 these large tracts of land are existing parks with public ownership that could  
35 potentially be redeveloped.

36  
37 Commissioner Maks requested clarification of what direction staff would like at  
38 this time.

39  
40 Ms. Fryer explained that staff would like some sort of guidelines through which  
41 significance can be determined.

42  
43 Mr. Winterowd emphasized that he and Mr. Brooks would like to receive some  
44 sort of direction in order to provide a meaningful analysis of the economic, social,  
45 environmental and energy (ESEE) consequences of protecting trees deemed to  
46 be significant.

1       Expressing his opinion that making it easier for a developer to develop the land  
2       could also provide an incentive to preserve trees, Commissioner Maks discussed  
3       his concerns with how development occurs within the different zoning districts.  
4

5       Chairman Voytilla suggested creating a series of incentives to the property owner  
6       or developer that would allow reduced lot areas under the condition that the  
7       adjacent and most impacted trees are preserved.  
8

9       Commissioner Maks emphasized that it sometimes makes a difference which 25%  
10      is preserved and how this 25% is preserved.  
11

12      Referring to Heritage Village, Associate Planner Veronica Smith pointed out that  
13      the property owners had expressed concern with the maintenance of those natural  
14      areas, adding that there are different ideas with regard to what these areas should  
15      look like. She emphasized that education should be provided for these property  
16      owners.  
17

18      Chairman Voytilla agreed, suggesting that a hierarchy should be developed  
19      through which to guide a property owner through the proper procedure to  
20      maintain those properties.  
21

22      Commissioner Johansen expressed concern with reduced setbacks to save trees  
23      from developments.  
24

25      Chairman Voytilla pointed out that it is necessary to provide an incentive from the  
26      standpoint of the developers.  
27

28      Mr. Winterowd pointed out that this option should be considered.  
29

30      Ms. Fryer commented that property owners have a great deal of pride in their  
31      trees, expressing her opinion that this should be acknowledged with as little  
32      regulation as possible and emphasizing that educational and maintenance  
33      resources should be provided. She pointed out that many options are available.  
34

35      Commissioner Maks suggested that the "individual tree" category should be  
36      discussed next.  
37

38      Commissioner Maks pointed out that education is the very most important issue,  
39      emphasizing that education would probably be worthless, for a number of  
40      reasons. Observing that people are busy, he noted that most are unlikely to attend  
41      a one to two hour class to learn how to maintain their trees, adding that those who  
42      do attend would most likely forget what they have learned.  
43

44      Ms. Fryer suggested the possibility of providing brochures providing tree  
45      maintenance information.  
46

1 Commissioner Maks emphasized that because everyone is inundated with mail  
2 and brochures, it would be necessary to provide this same information numerous  
3 times. He pointed out that he is referring to neighborhood groves, expressing  
4 concern with the removal of a number of trees within a neighborhood grove  
5 having a significant impact on the other neighborhood trees.

6  
7 Agreeing that most people prefer not to cut down their trees, Commissioner Bliss  
8 observed that he does have one he would like to remove, adding that it has grown  
9 to four times what he originally anticipated.

10  
11 Chairman Voytilla emphasized that the removal of trees often changes the  
12 character and aesthetics of an entire neighborhood.

13  
14 Commissioner Bliss pointed out that there are instances in which the removal of  
15 trees can actually enhance the visual appearance of a property.

16  
17 Agreeing with Commissioner Bliss' statement that removal of trees can enhance a  
18 property, Commissioner Maks observed that in some areas, the removal of four  
19 trees is immediately noticeable.

20  
21 Ms. Fryer discussed Autumn Ridge Park, which is located on 173<sup>rd</sup> Avenue,  
22 observing that while it had been established as a natural area, the back yards  
23 immediately south of Autumn Ridge Road have very large Oak trees that cover  
24 both houses. She noted that she is unable to imagine how these trees could be cut  
25 and the canopy replaced, although there may be instances in which this is  
26 necessary.

27  
28 Commissioner Maks commented that it is necessary to develop a reasonable  
29 process through which these trees could be cut.

30  
31 Observing that he had grown up in a house with trees such as those just identified  
32 by Ms. Fryer, Chairman Voytilla stated that the Oak tree located on the shared  
33 property line between two houses was immense, with the result that there was no  
34 light in the back yard. Noting that these trees do not live forever, he stated that it  
35 was eventually necessary to remove this aged and diseased tree, emphasizing that  
36 it is necessary to allow for this process.

37  
38 Ms. Fryer discussed the feasibility of establishing some type of mitigation fee for  
39 this process.

40  
41 Commissioner Bliss described a project he had done in Lake Oswego, observing  
42 that it had been necessary to remove some puny, rotten trees that were located by  
43 the Racquet Club, pointing out that the result had been a large penalty.

44  
45 Ms. Fryer expressed concern that what had once been an incredible resource of  
46 trees between Walker Road and Willow Creek is now gone, adding that these

1 trees were replaced by what she referred to as “popsicle trees”, which will never  
2 achieve any significance.

3  
4 Chairman Voytilla noted that there is a difference between removal of trees as a  
5 maintenance issue versus as a redevelopment issue, observing that a maintenance  
6 issue would involve only an over-the-counter permit, while the redevelopment  
7 issue would require a public review process, including a Public Hearing.

8  
9 Chairman Voytilla described a recent visit to the City of Pasco in Washington,  
10 observing that there are incentives for homeowners for maintaining or improving  
11 a property, such as gift certificates from a local nursery to the “Homeowner of the  
12 Month”. He agreed with Commissioner Maks’ statement that education would  
13 not be effective unless it was presented to the homeowners with the opportunity  
14 for some sort of benefit.

15  
16 Commissioner Maks mentioned that although he is aware of the Master Gardeners  
17 available at the Farmer’s Market, he never seems to get there.

18  
19 Chairman Voytilla suggested that providing cuttings of native plants should be the  
20 focus of any neighborhood group, adding that getting something for free is a  
21 valuable incentive.

22  
23 Commissioner Bliss pointed out that the local Welcome Wagon or Newcomer’s  
24 Club often provides resources and information.

25  
26 Chairman Voytilla suggested that the “corridor” category should be discussed  
27 next.

28  
29 Ms. Fryer suggested that the Planning Commission might not actually want this  
30 category, noting that if this is the case, corridors should not be identified.

31  
32 Expressing his opinion that the corridor trees need to be identified, Commissioner  
33 Maks observed that the protection of these trees would not be given high priority.

34  
35 Chairman Voytilla pointed out that numerous utility issues, such as  
36 telecommunications and cable, could potentially affect the preservation of trees,  
37 emphasizing that the potential for the survival of any tree in any location must  
38 also be considered. He pointed out that while trees along roads are an asset,  
39 providing both shade and aesthetic value, they are not necessarily a top priority.

40  
41 Mr. Bergsma referred to a row of very significant trees located in the City of  
42 Hillsboro, on Main Street entering town to the east of Cornell Road. He described  
43 the great effort had been made to preserve the very large Oak trees, observing that  
44 when the street was widened, the sidewalks had actually been routed around the  
45 trees. He suggested this in an example of the kind of corridor trees that might be  
46 worthy of protection.

1 Commissioner Maks suggested that the “individual tree” category should be  
2 discussed next, expressing his opinion that due to regulatory protection, you can’t  
3 even walk your dog in certain areas. He discussed several significant individual  
4 trees, observing that the level of protection for these trees is major.

5  
6 Chairman Voytilla pointed out that through the inventory process, it is assumed  
7 that the trees are in good health and worthy of preservation.

8  
9 Commissioner Bliss referred to an old Oak tree located south of Allen Boulevard  
10 and west of the Highway 217 overpass, observing that the pavement has probably  
11 been around this tree for 35 of the 40 years it has been there.

12  
13 Mr. Winterowd requested clarification of whether there are any circumstances  
14 under which an individual would be prohibited from cutting a tree.

15  
16 Commissioner Maks clarified that an individual would be prohibited from cutting  
17 a tree in all circumstances, with the exception of roadway improvements. He  
18 discussed his efforts to preserve the trees on his own lot during the construction of  
19 his home, observing that he had been able to preserve all but one large Oak tree.  
20 He emphasized that a property owner must have the ability to build on his own  
21 lot.

22  
23 Chairman Voytilla stated that once a tree has been identified, it is necessary to  
24 consider both the health and significance of the tree, expressing his opinion that it  
25 is unlikely that a great amount of trees fit into the category of significant  
26 individual tree.

27  
28 Mr. Winterowd advised Chairman Voytilla that he believes that over 100 trees  
29 within the City of Beaverton fit into the category of significant individual tree.

30  
31 Commissioner Bliss discussed a situation involving an Oak tree on Allen  
32 Boulevard, observing that in 1976, a red-suspended logger appeared during the  
33 night and cut it down, without the knowledge of the property owner who had been  
34 unable to obtain permission to remove the tree.

35  
36 Referring to the area located behind *Parr Lumber Company*, Commissioner Maks  
37 mentioned that the site includes a large number of very significant trees.

38  
39 **TIM BROOKS** of *Winterbrook Planning* observed that it is necessary to avoid  
40 the drip line of individual trees, adding that an arborist should review each tree to  
41 determine which can be sustained.

42  
43 Commissioner Bliss emphasized that regulations should not be too restrictive.

44  
45 Commissioner Maks requested clarification of whether any particular types of  
46 trees require extra buffering beyond the drip line.



1 Commissioner Bliss emphasized that the main focus is to avoid the drip line  
2 completely, adding that this area should involve no construction, vehicles or any  
3 other activity.

4  
5 Chairman Voytilla noted that this is largely dependent upon educating people  
6 regarding these issues.

7  
8 Ms. Fryer discussed the possibility of initiating an enforcement action for trees  
9 that are illegally cut.

10  
11 Commissioner Bliss pointed out that the issue with the Oak tree on Allen  
12 Boulevard involving the red-suspended logger also involved a property owner  
13 who indicated that he was attempting to preserve the tree.

14  
15 Commissioner Maks emphasized that the red-suspended logger had been hired  
16 by the property owner to cut the tree.

17  
18 Commissioner Bliss mentioned that this issue had involved depositions and lie-  
19 detector tests, adding that unfortunately, it had not been possible to obtain definite  
20 proof that the property owner had been involved.

21  
22 Chairman Voytilla described a similar situation in his neighborhood involving  
23 several significant Fir trees, emphasizing that because the offices are closed, there  
24 is no one to respond to such an issue on a Saturday. He noted that he had  
25 personally confronted the logger who had advised him to step aside, because he  
26 had been hired to do the job. He mentioned that after three trees had been cut, he  
27 had finally managed to contact somebody from Tualatin Hills Parks and  
28 Recreation District, adding that many individuals take advantage of the weekend  
29 to do these things.

30  
31 Commissioner Maks discussed a situation in which an individual who owned  
32 property adjacent to Hyland Park was actually cutting trees within the park.

33  
34 Chairman Voytilla emphasized that many activities occur on weekends that are in  
35 direct violation of established procedures.

36  
37 **MISCELLANEOUS BUSINESS:**

38  
39 The meeting adjourned at 9:32 p.m.